

HENRY FARMER.

JANUARY 7, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MOZLEY, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 396.]

The Committee on Pensions, to whom was referred the bill (S. 396) granting a pension to Henry Farmer, have considered the same and report as follows:

The bill is accompanied by Senate Report No. 1129, first session, and the same, fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[Senate Report No. 1129, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 396) granting a pension to Henry Farmer, have examined the same, and report:

This claimant, Henry Farmer, served as a private in Captain Chile's company, Second Regiment Tennessee Mounted Infantry, in the Cherokee war.

He applied for pension under the law of July 27, 1892, but his claim was rejected on the ground that the records of the Treasury Department fail to show that claimant rendered thirty days' service as the act provides. The report from the War Department is as follows:

"Henry Farmer was enrolled at Clinton, Anderson County, Tenn., June 21, 1836, as a private in Captain Chile's company, Second Regiment Tennessee Mounted Infantry, to serve twelve months unless sooner discharged, and was discharged with the company July 31, 1836, at Athens, Tenn."

The Auditor reports as follows:

"Captain Chile's company was enrolled June 21, 1836, at Clinton, Tenn., under the governor's proclamation of June 6, 1836, issued in compliance with the requisition of the Secretary of War dated May 25, 1836. The company was received into the service of the United States July 8, 1836, by Brig. Gen. John E. Wool, and was mustered out July 31, 1836, at Athens, Tenn. The members of the company, including Private Henry Farmer, were paid from July 8, 1836, with the addition of three days' travel pay. It is not understood why they were not paid from enrollment."

Another report from the War Department states that the date of muster is not shown.

It is evident that the Pension Office based their action on the report from the Auditor instead of that from the Record and Pension Bureau of the War Department, which latter gives the full service. It also appears that the action of the Auditor's Office in paying for only twenty-seven days was on account of the fact that the troops were not formally received into the United States service until the 8th of July. The troops were actually in the service; they were on duty and subject to the call of the commanding officer, and according to the report from the Record and Pension Division of the War Department there is no reason for saying that claimant did not actually serve more than the required thirty days.

This claimant is now 75 years old and suffers from a cancer on his lip and also from bronchitis. Affidavits of A. B. Davidson and William Nickle certify to the physical and financial condition of the claimant.

This is certainly a case for the action of Congress, and your committee recommend the passage of the bill.